

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION (BAIL) NO. 5 OF 2007

SHRI. SUDHIR BHAGAT, PRESENTLY IN JUDICIAL CUSTODY AT PANAJI-GOA. Appellant

Versus

STATE THROUGH P. I. ATTACHED TO VASCO POLICE STATION Respondent

Mr. Menino Teles, Advocate for the Applicant/Appellant.
Ms. Winnie Coutinho, Public Prosecution for the State.

Coram:- N. A. BRITTO, J.

Date:- 14th February, 2007

P.C.

Heard learned Counsel on behalf of the applicant/A4.

2. The applicant/A4 is being tried in Sessions Case no. 15/05, under Sections 365, 302, 201 and 120-B of I.P.C. and it has been submitted on behalf of the respondent that the trial is at its fag end and it will be completed by end of March, 2007.

3. The applicant/A4 was earlier refused bail by the trial Court by Order dated 06.08.2005 and then by this Court by Order dated 20.10.2005, and then it was observed that the role played by the applicant/A4 could not be said to be insignificant. It was also observed that the applicant/A4 was very much part of the conspiracy to murder the deceased. Since then, it appears that about 74 witnesses have been examined in the trial, as stated by the learned Counsel on behalf of the applicant/A4. It has been submitted by the learned Counsel that none of the 74 witnesses who have been examined, have directly implicated the applicant/A4. Learned Counsel has placed reliance on the cases of Ram

Sahodar v. State of Madhya Pradesh (1986 Cri.L.J. 279) and Amit Jogi v. State of Chhattisgarh & anr. (2006 Cri.L.J. 3349). I have perused the same. Although about 74 witnesses have been examined, it is undisputed that some more witnesses are still to be examined by the prosecution and considering that it is assured that the trial would come to an end at an early date, the application for bail deserves to be rejected at this stage.

N. A. BRITTO, J.

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